



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") pursuant to the *Residential Tenancy Act* ("Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), for an order directing the landlord to comply with the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The tenant, legal counsel for the tenant ("counsel") and the landlord attended the teleconference hearing. The tenant and landlord were affirmed and counsel stated that it was her opinion that the *Act* did not apply in this matter as the parties entered into a contract for purchase and sale and that the tenant was in a "rent to own" situation with the landlord.

A copy of the contract for purchase and sale was submitted in evidence and included language that supports a "rent to own" arrangement between the tenant and the landlord. In addition, the landlord affirmed that there was a "rent to own" arrangement with the tenant.

Given the potential of an interest in the real property by the tenant beyond mere possession, **I decline to hear this matter due to lack of jurisdiction under the Act** on the grounds that determination of such interest is within the exclusive jurisdiction of the Supreme Court of British Columbia. Therefore, I agree with counsel that this matter is not within the jurisdiction of the *Act*.

I do not grant the recovery of the cost of the filing fee as a result.

Conclusion

I decline to hear this matter due to lack of jurisdiction under the *Act*. This matter falls within the exclusive jurisdiction of the Supreme Court of British Columbia.

I do not grant the recovery of the cost of the filing fee as a result.

This decision will be emailed to the tenant, tenant's counsel and the landlord at the email addresses confirmed during the hearing.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 29, 2018

Residential Tenancy Branch